

Mayor Bob Hedlund  
Weymouth Town Hall  
75 Middle Street  
Weymouth, MA 02189

RE: Electronic Sign at Lorusso-Bristol / J.F. Price Lot

On Wednesday evening April 17, 2019 a meeting was held with Weymouth Mayor Bob Hedlund, Weymouth Planning Director Robert Luongo, Cove Outdoor representative Peter McCleary, and residents of Century Rd., Kipling Rd., Price Way and adjacent streets (Residents) to discuss the electronic sign (Sign) that was installed on the Lorusso-Bristol / J.F. Price lot. The meeting was held to discuss issues residents had with the Sign location and disturbance to the residential neighborhood. At the meeting, it was stated that the Sign was installed per Town of Weymouth (Weymouth) Zoning Laws and Massachusetts Department of Transportation (DOT) Regulations. Upon review, the sign is in violation of multiple Weymouth Zoning Laws and DOT Regulations. Below, please find Weymouth Zoning Laws and DOT Regulations with comments in italics addressing the Sign:

## **TOWN OF WEYMOUTH ZONING LAWS**

### **§ 120-64.4 Signs in industrial districts.**

[Amended May 1987 ATM by Art. 50, approved 8-27-1987; May 1990 STM by Art. 2, approved 8-29-1990]

Signs identifying and/or advertising conforming uses located on the premises are allowed with the following conditions:

A. Wall signs parallel to an exterior wall of a building for each place of business shall be permitted, provided that the same shall not project beyond the face of any other wall nor project above the roofline of said wall nor project more than 18 inches from said wall, shall not exceed one square foot for each horizontal foot of building frontage of each said business, and further provided that the area of said signs for each business shall not exceed 75 square feet.

*Not applicable*

B. One freestanding sign only for each lot shall be permitted, subject to the following criteria:

(1) Signs shall be set back a minimum of 10 feet from any street, way, driveway, parking area and loading area.

*Sign is in violation of Weymouth Zoning Law. This is a second sign on the J.F. Price Lot.*

(2) Sign area shall not exceed 20 square feet per side, with a total surface area of all sides not to exceed 40 square feet.

*Sign is in violation of Weymouth Zoning Law.*

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(3)The uppermost edge of said sign shall not exceed six feet above grade.

*Sign is in violation of Weymouth Zoning Law. It exceeds six feet above grade.*

C. One freestanding directory sign is permitted, provided that there is no other freestanding sign on the lot, at the principal entrance to a group of buildings or building in which various businesses are conducted, listing only the name and location of said building, and provided further that said listing shall be no larger than three square feet; and in addition to said sign listings there shall be permitted, and as part of the freestanding sign, a sign identifying the name of the industrial park or building, not to exceed 30 square feet. The total sign area of each surface shall not exceed 100 square feet, and the total area of all surfaces shall not exceed 200 square feet. The height of said sign shall not exceed 25 feet above grade, and the lower edge of the sign shall be no less than eight feet above grade if said sign is within 25 feet of a street or way line.

*Sign is in violation of Weymouth zoning law. The businesses at this location have existing signs at the entrance.*

D. Signs shall be set back from any adjoining residential district lot line at least the front yard distance required in the adjoining residential district.

*Not applicable*

E. Any lights used for illumination shall be so arranged as to reflect light away from adjoining residential districts.

*Sign is in violation of zoning law. The lights reflect light towards adjoining residential districts.*

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### **120-64.7Billboards.**

[Amended 4-2-2018 by Ord. No. 17-127]

Billboards of any kind are prohibited outside the limits of the Billboard Relocation Overlay District.

*No comment*

### **§ 120-64.7.1Billboard Relocation Overlay District.**

D. All billboards and related facilities and structures approved or permitted pursuant to a billboard reduction and relocation agreement or development agreement must be within the Billboard Relocation Overlay District and must comply with the requirements of Code of Massachusetts Regulations as defined in 700 CMR 3.17 and with the guidelines developed by the Director of Planning and Community Development.

*Refer to Section 3.17 below*

### **§ 120-64.9 Power of Inspector of Buildings.**

A. Any signs permitted by the zoning laws shall be erected to the satisfaction of the Inspector of Buildings.

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*Provide the inspection report performed by the Inspector of Buildings. Did the Inspector of Buildings inspect sight lines at the adjacent residential neighborhoods?*

## **700 CMR: MASSACHUSETTS DEPARTMENT OF TRANSPORTATION**

### **3.17: Requirements for Electronic Sign Permits**

(3) A permit issued pursuant to 700 CMR 3.17 shall indicate that it is for an Electronic Sign. Any such permit is determined to not be prohibited by any agreement between the Department and the Secretary of Transportation of the United States. All regulations provided by 700 CMR 3.00 are applicable to Electronic Signs except where specifically stated in 700 CMR 3.17. In the event a provision of 700 CMR 3.17 conflicts with another section of 700 CMR 3.00, 700 CMR 3.17 controls.

*Note that all regulations provided by 700 CMR 3.00 are applicable to Electronic signs, including but not limited to Article 3.07 below.*

### **3.07: Requirements for New Permits**

(3) No permit shall be granted or renewed for a sign that is not located in an area of a business character. An area may be deemed to be of business character only if all of the following requirements are met: (a) At least two separate business, industrial or commercial activities are being conducted within a distance of 500 feet from the proposed location of the sign, measuring from such proposed location to the buildings or parking lots or other places of actual business, industrial or commercial activity. The term "business, industrial, or commercial activities" as used in 700 CMR 3.07 shall not include residential trailer parks, railroad tracks and minor sidings; dumps, gravel pits and landfill operations, nor any agricultural, horticultural, or floricultural activities, nor any activity not visible from the public way upon which the sign is to face. (b) The area in which the sign is to be located is not predominantly residential, agricultural or open space or natural area. (c) The area in which the sign is to be located is zoned for industrial or commercial use. (d) The provisions set forth in 700 CMR 3.07(3)(a) through (c) may not apply to Street Furniture or Pillar Displays.

*Sign is in violation of DOT Regulations. This article specifically states that gravel pits are not to be considered areas of business, industrial or commercial activities. The Sign is located at a gravel pit. Additionally, during the meeting held on 4/17/19, the 500' radius appeared to encroach residential properties that were not notified.*

(4) No permit shall be granted for a sign which the Director determines would not be in harmony with or suitable for the surrounding area or would do significant damage to the visual environment. In making this determination, the Director may consider, among other factors, the health, safety and general welfare of the public; the scenic beauty of the area; the physical, environmental, cultural, historical or architectural characteristics of the location and the area; the structure, height and size of the sign; the illumination and brightness of the sign; and the number of signs, including on premise and accessory use signs, which are in the area wherein

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the sign is to be located. The existence of any sign or signs in an area shall not require a finding that the erection of another sign will be in harmony with the area.

*Sign is in violation of DOT Regulations. The Director did not take into consideration the general welfare of the public nor the physical, environmental or cultural characteristics of the area. With the exception of 4 houses on Century Rd., the residential community that is most impacted by the sign was not consulted or notified directly (i.e. certified letter, email, door to door notice) prior to installation. Many residential houses in the community have windows that face the Sign directly. It is a visual disturbance both during the day and night.*

(9) No permit shall be granted for a sign within a city or town where the sign is not in conformity with applicable and lawful city and town ordinances and by-laws. No such ordinance or by-law shall be deemed inconsistent with 700 CMR 3.00 on the ground that such ordinance or by-law prohibits the location or maintaining of a sign which in the absence of said ordinance or by-law would be in conformity with 700 CMR 3.00.

*Sign is not in conformity with applicable and lawful city ordinances and by-laws.*

### **3.17: Requirements for Electronic Sign Permits**

(3) A permit issued pursuant to 700 CMR 3.17 shall indicate that it is for an Electronic Sign. Any such permit is determined to not be prohibited by any agreement between the Department and the Secretary of Transportation of the United States. All regulations provided by 700 CMR 3.00 are applicable to Electronic Signs except where specifically stated in 700 CMR 3.17. In the event a provision of 700 CMR 3.17 conflicts with another section of 700 CMR 3.00, 700 CMR 3.17 controls.

(2) Except as otherwise prohibited by Federal or Massachusetts law and regulations, or local ordinances or zoning regulations, permits for Electronic Signs may be issued provided such sign complies with all of the following:

(d) Automatically adjusts the intensity of its display according to natural ambient light conditions.

3) A permit issued pursuant to 700 CMR 3.17 shall indicate that it is for an Electronic Sign. Any such permit is determined to not be prohibited by any agreement between the Department and the Secretary of Transportation of the United States. All regulations provided by 700 CMR 3.00 are applicable to Electronic Signs except where specifically stated in 700 CMR 3.17. In the event a provision of 700 CMR 3.17 conflicts with another section of 700 CMR 3.00, 700 CMR 3.17 controls.

*Stated above under Article 3.17.*

(5) Electronic Signs shall not:

(i) Contain flashing, intermittent, or moving lights; or display animated, moving video or scrolling advertising.

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*Sign is in violation of DOT regulation. Sign is intermittent and has moving lights.*

**(9) In addition to any municipal requirement, the Department may impose any restriction as to the hours of operation for each Electronic Sign.**

*Forward a request to the municipal department to impose a restriction on the Sign as it is in violation of multiple Weymouth Zoning Laws and in violation of multiple DOT Regulations.*

**Due to multiple Weymouth Zoning Law violations and DOT Regulation violations, the below-signed Weymouth residents request that the Sign be removed from its current location. Additionally, the below-signed residents request that the Sign be turned off until all laws and regulations are met.**

Sincerely,

**Residents of Century Rd., Kipling Rd. Price Way and adjacent streets.**



Photo 1: View of Sign from Kipling Rd.

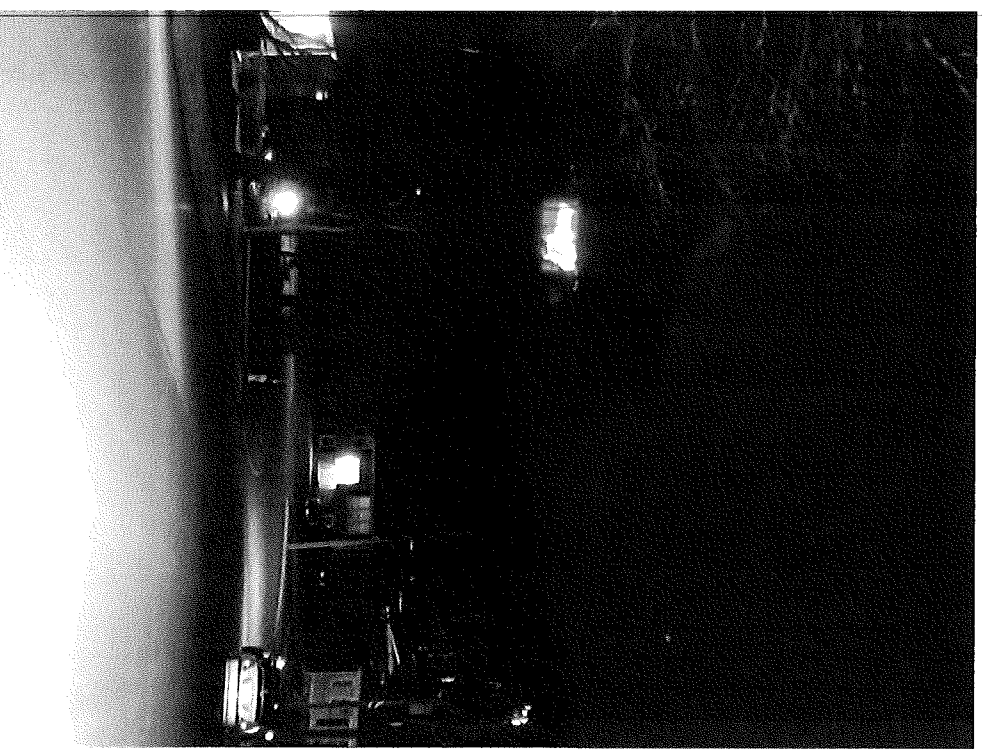
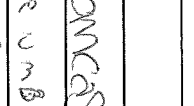





Photo 2: View of Sign from Century Rd.

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NAME	SIGNATURE	ADDRESS	EMAIL
Lauren Jensen	90 Century Rd	90 Jamboree	
Derek Jensen	90 Century Rd	90 Jamboree	
James Jensen	90 Century Rd	90 Jamboree	
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Alisa Tamborella	16 Kipling Rd	16 Kipling Rd	

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